

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	MDL No. 1456
LITIGATION)	
)	CIVIL ACTION: 01-CV-12257 PBS
THIS DOCUMENT RELATES TO)	
Master File No. 01-CV-12257-PBS)	Judge Patti B. Saris
)	
)	Chief Mag. Judge Marianne B. Bowler
)	

STATUS REPORT MAY 1, 2006

Pursuant to the Court's June 17, 2004 Procedural Order, the undersigned counsel for Plaintiffs and Defendants hereby submit the attached status report to the Court listing the status of all pending motions to date.

Respectfully Submitted,

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ON BEHALF OF ALL PLAINTIFFS

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CERTIFICATE OF SERVICE

I hereby certify that I, Thomas M. Sobol, an attorney, caused a true and correct copy of the foregoing **Status Report** to be served on all counsel of record electronically on May 1, 2006 pursuant to Section D of Case Management Order No. 2.

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MDL 1456 STATUS CHART – GOVERNMENT ENTITY CASES

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
<p>Montana v. Abbott Labs., Inc. et al.</p>	<p>02-CV-12084-PBS</p> <p>Removed to D. Mont.</p>		<ul style="list-style-type: none"> • December 7, 2005 – Defendants’ Emergency Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents (re: Montana and Nevada) <ul style="list-style-type: none"> ◦ December 7, 2005 – Defendants’ Motion for Expedited Briefing Schedule and Oral Argument on Defendants’ Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents ◦ December 8, 2005 – Opposition of the States of Nevada and Montana to Defendants’ Motion for Expedited Briefing Schedule and Oral Argument on Defendants’ Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents ◦ December 12, 2005 – Defendants’ Motion for Leave to File Reply Memorandum in Support of Motion Expedited Briefing Schedule and Oral Argument on Defendants’ Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents ◦ December 15, 2005 – Opposition of the States of Nevada and Montana to Defendants’ Motion for Leave to File Reply Memorandum in Support of Motion Expedited Briefing Schedule and Oral Argument on Defendants’ Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents ◦ December 21, 2005 – Opposition of the States of Nevada and Montana to Defendants’ Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents ◦ January 6, 2006 – Defendants’ Motion for Leave to File a Reply Brief in Support of Their Emergency Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents ◦ January 6, 2006 – Defendants’ Reply Brief in Support of Their Emergency Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents ◦ January 11, 2006 – Opposition of the States of Nevada and Montana to Defendants’ Motion for Leave to File a Reply Brief in Support of Their Emergency Motion for an Order Holding Plaintiffs in Contempt for Preservation of Potentially Relevant Documents and for an

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
			Accounting of Spoliated Documents <ul style="list-style-type: none"> April 4, 2006 – Bayer Corp.’s First Motion to Compel Plaintiff the State of Montana to Produce a Rule 30(b)(6) Witness (<i>corrected on April 14, 2006</i>) <ul style="list-style-type: none"> April 18, 2006 – Opposition to Bayer Corporation’s First Motion to Compel Plaintiff the State of Montana to Produce a Rule 30(b)(6) Witness
Nevada v. American Home Products, Inc. et al (“Nevada II”)	02-CV-12086-PBS	Removed to D. Nev.	<ul style="list-style-type: none"> December 7, 2005 – Defendants’ Emergency Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents (re: Montana and Nevada, see entry under <i>Montana v. Abbott Labs., Inc. et al.</i>)
California ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Labs., Inc. et al.	03-CV-11226-PBS	Removed to C.D. Cal.	<ul style="list-style-type: none"> August 25, 2005 – First Amended Complaint in Intervention for Money Damages and Civil Penalties for Violations of the California False Claims Act <ul style="list-style-type: none"> October 6, 2005 – Motion for Entry of Joint Stipulation to Stay the Deadline for Defendant Abbott Laboratories Inc. to Respond to the First Amended Complaint in Intervention September 12, 2005 – Relator Ven-A-Care’s Motion For Leave to File Under Seal Relator’s Notice of Election and Notice of Dismissal January 17, 2006 – Defendants’ Motion to Dismiss the First Amended Complaint–In-Intervention (<i>individual memoranda of law submitted by ZLB Behring LLC and Abbott Laboratories Inc.</i>) <ul style="list-style-type: none"> January 17, 2006 – B. Braun of America Inc.’s Motion to Dismiss the State of California’s First Amended Complaint February 13, 2006 – Boehringer Ingelheim Pharmaceuticals, Inc.’s Motion to Dismiss and Joinder in Defendants’ Motion to Dismiss the First Amended Complaint-In-Intervention March 2, 2006 – Plaintiffs’ Memorandum in Opposition to Defendants’ Joint Motion to Dismiss the First Amended Complaint-In-Intervention March 2, 2006 – Plaintiffs’ Memorandum in Opposition to Defendant B. Braun of Am., Inc.’s Separate Motion to Dismiss the First Amended Complaint March 2, 2006 – Plaintiffs’ Memorandum in Opposition to Defendant Abbott Laboratories, Inc.’s Separate Motion to Dismiss the First Amended Complaint March 2, 2006 – Plaintiffs’ Memorandum in Opposition to Defendant ZLB Behring, LLC’s Individual Motion to Dismiss the First Amended Complaint April 3, 2006 – Defendants’ Reply to Plaintiffs’ Memorandum in Opposition to Defendants’ Joint Motion to Dismiss the First Amended Complaint-In-Intervention (<i>individual replies filed by Abbott Laboratories Inc., B. Braun of America, Inc., Boehringer Ingelheim</i>

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California <i>ex rel.</i> Ven-A-Care of the Florida Keys, Inc. v. Abbott Labs., Inc. et al. (continued)			<p><i>Pharmaceuticals, Inc. and ZLB Behring LLC</i>)</p> <ul style="list-style-type: none"> ○ April 3, 2006 – Defendants’ Opposition to Plaintiffs’ Objections Pursuant to Rule 201(e) of the Federal Rules of Evidence to Judicial Notice of Facts and Conclusions Set Forth in Defendants’ Motion to Dismiss ○ April 17, 2006 – Plaintiffs’ Sur-Reply to Defendants’ Joint and Individual Motions to Dismiss the First Amended Complaint ○ April 17, 2006 – Plaintiffs’ Motion for Leave to File Reply in Support of Objections to Taking Judicial Notice of Facts and Conclusions Set Forth in Defendants’ Motion to Dismiss ○ April 17, 2006 – Plaintiffs’ Reply Brief in Opposition to Judicial Notice <ul style="list-style-type: none"> • April 7, 2006 – Defendant Bristol-Myers Squibb Company’s Motion to Compel the Production of Exhibits to a Letter Sent by Plaintiff Ven-A-Care of the Florida Keys to HCFA <ul style="list-style-type: none"> ○ April 24, 2006 – Plaintiff Ven-A-Care of the Florida Keys, Inc.’s Opposition to Defendant Bristol-Myers Squibb Company’s Motion to Compel ○ April 25, 2006 – Reply Memorandum of Defendant Bristol-Myers Squibb Company in Support of Motion to Compel the Production of Exhibits to a Letter Sent by Plaintiff Ven-A-Care of the Florida Keys to HCFA • April 11, 2006 – Notice of Proposed Case Management Order Pursuant to the Court’s March 16, 2006 Ruling • April 28, 2006 – Stipulated Motion for Order Permitting Deposition of Harvey Weintraub (former Warrick Vice President)
Florida <i>ex rel.</i> Ven-A-Care of the Florida Keys v. Alpharma, Inc. et al., Case No. 05-257		Removed to N.D. Fla.	<ul style="list-style-type: none"> • Motion to Remand in Florida v. Alpharma, Inc. (05-257) filed but not briefed prior to transfer <ul style="list-style-type: none"> ○ September 16, 2005 – Plaintiffs’ Memorandum of Law in Support of Motion for Remand filed in D. Mass. ○ October 14, 2005 – Defendants’ Memorandum of Law in Opposition to Plaintiffs’ Motion for Remand to State Circuit Court ○ November 18, 2005 – Endorsed Request for International Judicial Assistance (Letter Rogatory)
State of Florida, et al. v. Mylan Labs., Inc., et al., Case No. 4:05-490	n/a	N.D. Fla.	<ul style="list-style-type: none"> • April 12, 2006 – Transfer Order transferring <i>State of Florida, et al. v. Mylan Laboratories, Inc., et al.</i>, N.D. Fla., C.A. No. 4:05-490 to D. Mass.

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State of Arizona ex rel. v. Abbott Labs., Case No. 2:06-45	n/a	D. Ariz.	<ul style="list-style-type: none"> January 30, 2006 – Conditional Transfer Order transferring <i>State of Arizona ex rel. v. Abbott Laboratories, Inc., et al.</i>, D. Ariz., Case No. 2:06-45 <ul style="list-style-type: none"> February 13, 2006 – Notice of Opposition to proposed transfer filed by Arizona Attorney General February 22, 2006 – Motion and Brief to Vacate the CTO must be received by the JPML no later than March 1, 2006 February 27, 2006 – Plaintiff's Motion to Vacate the CTO March 21, 2006 – Defendants' Opposition to Plaintiff's Joint Motion to Vacate CTO #28 March 28, 2006 – Reply Memorandum in Support of Plaintiff State of Arizona's Motion to Vacate Conditional Transfer Order (CTO-28)
Consolidated County Case: City of New York (S.D.N.Y.) County of Albany (N.D.N.Y.) County of Allegany (W.D.N.Y.) County of Broome (N.D.N.Y.) County of Cattaraugus (W.D.N.Y.) County of Cayuga (N.D.N.Y.) County of Chautauqua (W.D.N.Y.) County of Chemung (W.D.N.Y.) County of Chenango (N.D.N.Y.) County of Columbia (N.D.N.Y.) County of Cortland (N.D.N.Y.) County of Dutchess (S.D.N.Y.) County of Essex (N.D.N.Y.) County of Fulton (N.D.N.Y.) County of Genesee (W.D.N.Y.) County of Greene (N.D.N.Y.) County of Herkimer (N.D.N.Y.) County of Jefferson	n/a	E.D.N.Y. N.D.N.Y. S.D.N.Y. W.D.N.Y.	<ul style="list-style-type: none"> March 30, 2005 – County of Suffolk's Motion to Renew Its Second Motion to Compel the Production of Discovery From the Schering-Plough Corporation sub judice (Magistrate Judge Bowler) <ul style="list-style-type: none"> April 6, 2005 – Schering Plough's Opposition to County of Suffolk's Motion to Renew Its Second Motion to Compel the Production of Discovery June 15, 2005 – Redacted Consolidated Complaint filed in the United States District Court for the District of Massachusetts <ul style="list-style-type: none"> June 15, 2005 – Plaintiffs' Motion for Leave to File Consolidated Complaint Under Seal June 22, 2005 – Corrected Consolidated Complaint filed in the United States District Court for the District of Massachusetts June 23, 2005 – Motion for Leave to File Consolidated Complaint Under Seal Denied. Defendants seeking redactions ordered to file affidavits within ten days. July 8, 2005 – Order modifying June 23, 2005 Order and extending time to file affidavits. October 4, 2005 – Defendants' Request for Extension of Time and Further Relief in Order to Comply with July 8, 2005 Order February 8, 2006 – Motion by BMS for Extension of Time and Further Relief in Order to Comply with July 8, 2005 Order Denied March 3, 2006 – Defendants' Joint Motion to Dismiss the New York Consolidated Complaint and the Nassau County Second Amended Complaint <ul style="list-style-type: none"> Individual Memoranda of Each Defendant in Support of Its Motion to Dismiss (1) the Consolidated Complaint of New York City and Plaintiff Counties Other than Nassau and (2) the Second Amended Complaint of Nassau County (individual memoranda filed by Bayer Corp., Sanofi-Synthelabo, Forest Labs., Inc./Forest Pharmaceuticals, Inc., Amgen, Inc., Pfizer Defendants, TAP Pharmaceutical Prods., Inc., Biogen Idec Inc., Wyeth, Novartis

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(N.D.N.Y.) County of Lewis (N.D.N.Y.) County of Madison (N.D.N.Y.) County of Monroe (W.D.N.Y.) County of Nassau (E.D.N.Y.) County of Niagara (N.D.N.Y.) County of Oneida (N.D.N.Y.) County of Onondaga (N.D.N.Y.) County of Ontario (W.D.N.Y.) County of Orleans (W.D.N.Y.) County of Putnam (S.D.N.Y.) County of Rensselaer (N.D.N.Y.) County of Rockland (S.D.N.Y.) County of St. Lawrence (N.D.N.Y.) County of Saratoga (N.D.N.Y.) County of Schuyler (W.D.N.Y.) County of Seneca (W.D.N.Y.) County of Steuben (W.D.N.Y.) County of Suffolk (E.D.N.Y.) County of Tompkins (N.D.N.Y.) County of Ulster (N.D.N.Y.) County of Warren (N.D.N.Y.) County of Washington (N.D.N.Y.) County of Wayne (W.D.N.Y.) County of Westchester (S.D.N.Y.) County of Wyoming (W.D.N.Y.) County of Yates (W.D.N.Y.)			<i>Pharmaceuticals Corp., EMD, Inc., Mylan Defendants, AstraZeneca Defendants, Endo Pharmaceuticals, Roche Defendants, Boehringer Ingelheim Corp., MedImmune, Inc., Merck & Co., Inc., Sandoz Inc., Ben Venue Labs, Inc., Par Pharmaceuticals, Boehringer Ingelheim Corp.</i> <ul style="list-style-type: none"> ○ April 17, 2006 – Plaintiffs’ Opposition to Defendants’ Individual Memorandum in Support of Motion to Dismiss (1) the Consolidated Complaint of New York City and Plaintiff Counties Other than Nassau and (2) the Second Amended Complaint of Nassau County ○ April 24, 2006 – Plaintiffs’ Opposition to Individual Memoranda of Law in Support of Motion to Dismiss Filed by Eli Lilly & Co., Purdue Pharma LP, Chiron Corp.

MDL 1456 STATUS CHART – PRIVATE CLASS CASES

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action	Master File 01-CV-12257-PBS	D. Mass. pursuant to JPML Order	<ul style="list-style-type: none"> May 3, 2004 – Plaintiffs’ Motion to Compel the Production of Documents Created During the Relevant Time Period from Defendants Abbott Laboratories, AstraZeneca, Schering Plough, Sico and Together Rx Defendants <i>sub judice</i> (Magistrate Judge Bowler) <ul style="list-style-type: none"> May 17, 2004 – Certain Defendants’ Notice of Opposition to Plaintiffs’ Motion to Compel the Production of Certain Documents and Consent Motion for an Extension of Time May 26, 2004 – Notice of Withdrawal of Plaintiffs’ Motion to Compel the Production of Documents Created During the Relevant Time Period Directed at Defendant Schering-Plough (<i>Note: withdrawal applies only to Schering-Plough</i>) May 27, 2004 – Consent Motion for an Extension of Time to Oppose the Motion to Compel May 27, 2004 – Opposition of the Together Rx Defendants to Plaintiffs’ Motion to Compel the Production of Documents May 28, 2004 – Notice of Withdrawal of Plaintiffs’ Motion to Compel the Production of Documents Created During the Relevant Time Period Directed at Defendant Abbott Laboratories (<i>Note: withdrawal applies only to Abbott Laboratories</i>) June 8, 2004 – Notice of Withdrawal of Plaintiffs’ Motion to Compel the Production of Documents Created During the Relevant Time Period Directed at Defendant AstraZeneca. (<i>Note: withdrawal applies only to AstraZeneca</i>) June 9, 2004 – Plaintiffs’ Reply Memorandum in Support of Motion to Compel the Production of Documents Created During the Relevant Time Period from the Together Rx Defendants June 22, 2004 – Order granting Plaintiffs’ Motion to Withdraw Motion to Compel Directed at Abbott Laboratories Awaiting scheduling of hearing or ruling by Court as to Together Rx Defendants February 23, 2005 – Third Party Schaller Anderson Inc.’s Objection and Motion to Quash Plaintiffs’ Subpoena June 14, 2005 – Defendant Sico Inc. and Sico Pharmaceuticals, Inc.’s Motion for Protective Order with Memorandum in Support <i>sub judice</i> (Magistrate Judge Bowler)

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<ul style="list-style-type: none"> o June 28, 2005 – Plaintiffs’ Response to Sitor’s Motion for Protective Order o July 7, 2005 – Motion for Leave to File Reply to Plaintiffs’ Response to Sitor’s Motion for Protective Order • November 9, 2005 – Plaintiffs’ Motion for Order Exempting Defendant Abbott Laboratories from Any Order Refusing to Extend Deadline for Track Two Discovery <ul style="list-style-type: none"> o November 23, 2005 – Defendant Abbott Laboratories’ Opposition to Plaintiffs’ Motion for Order Exempting Defendant Abbott Laboratories from Any Order Declining to Extend Deadline for Track Two Discovery o December 1, 2005 – Plaintiffs’ Letter to Magistrate Judge Bowler Requesting Postponement of Hearing until Track Two Discovery Issues Resolved • November 28, 2005 – Plaintiffs’ Motion for Clarification of Case Management Order #16 <ul style="list-style-type: none"> o November 30, 2005 – Response of Defendant Watson Pharma, Inc. to Plaintiffs’ “Motion for Clarification of Case Management Order #16” o November 30, 2005 – Certain Track II Defendants’ Request for Expedited Hearing o December 1, 2005 – Order re: Plaintiffs’ Motion for Clarification of Case Management Order #16 o December 9, 2005 – Track II Defendants’ Submission Regarding Discovery Schedule o December 9, 2005 – Watson Pharmaceuticals, Inc.’s Response to Court Order Regarding Discovery Schedule o December 9, 2005 – Defendants Baxter Healthcare Corporation and Baxter International Inc.’s Memorandum Regarding Track II Discovery Schedule o December 9, 2005 – Plaintiffs’ Memorandum in Support of Their Proposed Track II Discovery Schedule o December 15, 2005 – Plaintiffs’ Reply to Watson Pharmaceuticals, Inc.’s Response to Court Order Regarding Discovery Schedule o December 16, 2005 – Watson Pharmaceuticals, Inc.’s Motion for Leave to File Reply Memorandum in Support of Its Response to Court Order Regarding Discovery Schedule

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
<p>Master Consolidated Class Action (continued)</p>			<ul style="list-style-type: none"> January 18, 2006 – Plaintiffs’ Motion to Compel Third-Party AmeriSource Bergen Corp. to Produce Deponent(s) Pursuant to Fed. R. Civ. P. 30(B)(6) and Fed. R. Civ. P. 45 February 16, 2006 – Dey, Inc.’s and Abbott Laboratories’ Objections to the Order of Chief Magistrate Judge Bowler Issued on February 4, 2006 Pursuant to Fed. R. Civ. P. Rule 72(a) <ul style="list-style-type: none"> February 22, 2006 – Plaintiffs’ Assented-to Motion for Leave to Reply to Dey, Inc.’s and Abbott Laboratories’ Objections to the Order of Chief Magistrate Judge Bowler Issued on February 4, 2006 to File Such Reply Until March 8, 2006 March 8, 2006 – Plaintiffs’ Opposition to Dey, Inc.’s and Abbott Laboratories’ Objections to Chief Magistrate Judge Bowler’s Order Denying Further Discovery of Massachusetts Health Plans March 8, 2006 – Plaintiffs’ Motion for Leave to File Plaintiffs’ Opposition to Dey, Inc.’s and Abbott Laboratories’ Objections to Chief Magistrate Judge Bowler’s Order Denying Further Discovery of Massachusetts Health Plans February 21, 2006 – UnitedHealthcare, Inc. and United HealthCare Insurance Co.’s Limited Objections to Magistrate Judge’s Order Granting Defendants’ Motion to Compel <ul style="list-style-type: none"> March 10, 2006 – Defendants’ Response to Third Party UnitedHealthcare, Inc. and United HealthCare Insurance Company’s Objections to Chief Magistrate Judge Bowler’s Order Granting Defendants’ Motion to Compel March 15, 2006 – Track One Defendants’ Motion for Summary Judgment (individual memoranda filed by each of the Track One Defendants) <ul style="list-style-type: none"> March 15, 2006 – Plaintiffs’ Motion for Partial Summary Judgment on Behalf of Class 1 and 2 Against Defendant AstraZeneca Based on Its Guilty Plea Related to Zoladex March 15, 2006 – Plaintiffs’ Motion for Partial Summary Judgment Against All Track 1 Defendants March 15, 2006 – Class Plaintiffs’ Motion for Summary Judgment on Defendants’ Affirmative Defenses April 7, 2006 – Plaintiffs’ Memorandum in Opposition to Track One Defendants’ Joint Motion for Summary Judgment (<i>replies filed to</i>

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
<p>Master Consolidated Class Action (continued)</p>			<p><i>individual memoranda by each of the Track One Defendants)</i></p> <ul style="list-style-type: none"> ○ April 7, 2006 – AstraZeneca Pharmaceuticals LP's Memorandum of Law in Opposition to Plaintiffs' Motion for Partial Summary Judgment on Behalf of Class 1 and 2 Against Defendant AstraZeneca Based on Its Guilty Plea Related to Zoladex ○ April 7, 2006 – Track One Defendants' Joint Memorandum in Opposition to Plaintiffs' Motion for Partial Summary Judgment Against All Track One Defendants (<i>individual memoranda in opposition filed by each of the Track One Defendants</i>) ○ April 7, 2006 – Track One Defendants' Memorandum in Opposition to Class Plaintiffs' Motion for Partial Summary Judgment on Defendants' Affirmative Defenses (<i>individual memoranda in opposition filed by Track One Defendants</i>) ○ April 28, 2006 – Plaintiffs' Reply Memorandum in Support of Motion for Partial Summary Judgment Against All Track 1 Defendants ○ April 28, 2006 – Defendants' Reply Memorandum in Further Support of Track 1 Defendants' Joint Motion for Summary Judgment (<i>individual reply memoranda filed in further support of motions for summary judgment by AstraZeneca Pharmaceuticals, BMS, Johnson & Johnson, and Schering-Plough & Warrick Pharmaceuticals</i>) <ul style="list-style-type: none"> • March 17, 2006 – Defendants' Motion to Compel Third Party Oxford Health Plans to Produce Documents and Witnesses for Deposition Pursuant to Subpoena and for Recovery of Attorney Fees and Costs <ul style="list-style-type: none"> ○ April 18, 2006 – Oxford Health Plans, LLC's Memorandum of Law in Opposition to Defendants' Motion to Compel • March 21, 2006 – Defendants' Motion to Compel Production of Documents from Blue Cross Blue Shield of Massachusetts <ul style="list-style-type: none"> ○ April 4, 2006 – Opposition of Plaintiff Blue Cross Blue Shield of Massachusetts, Inc. to Defendants' Motion to Compel • April 28, 2006 – Track Two Defendants' Motion to Renew Their Motion to Compel (Docket Entry No. 2162) Directed to Third-Party National Heritage Insurance Co. in its Capacity as the Medicare Part B Carrier for Massachusetts and Request for Hearing on May 9, 2006

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
<p>Government Employees Hospital Association v. Serono International, S.A. et al</p>	<p>05-11935-NMG</p>	<p>D. Mass.</p>	<ul style="list-style-type: none"> • September 23, 2005 – Class Action Complaint filed <ul style="list-style-type: none"> ◦ November 21, 2005 – First Amended Class Action Complaint Filed Against Serono International, S.A., Serono Laboratories, Inc., Serono, Inc., RJL Systems, Inc., and Rudolph J. Liedtke ◦ February 3, 2006 – Serono Labs' Response to the Amended Complaint due ◦ March 17, 2006 – Plaintiffs' Opposition to Responsive Motion due ◦ April 6, 2006 – Serono Labs' Reply to Opposition due ◦ March 21, 2006 – Second Amended Class Action Complaint Against Serono International, et al. • October 31, 2005 – Order case consolidated with 01-cv-12257 • February 22, 2006 – Serono Defendants' Consent to Plaintiff's Request to File Second Amended Complaint and Joint Motion for Entry of the Parties' Agree-Upon Schedule for Response • Motion to dismiss the Second Amended Class Action Complaint to be filed April 28, 2006; opposition due on June 6, 2006, reply due on June 25, 2006 <ul style="list-style-type: none"> ◦ April 11, 2006 – Unopposed Motion to Extend Page Limitations Relating to Motion to Dismiss <i>GEHA et al. v. Serono Int'l, S.A., et al.</i> • April 6, 2006 – Plaintiffs' Motion to Remove Specific Action from MDL <ul style="list-style-type: none"> ◦ April 10, 2006 – Response of the Serono Defendants to Plaintiffs' Motion to Remove <i>GEHA v. Serono International, S.A. et al.</i> from MDL • April 24, 2006 – Serono International, S.A., Serono Labs., Inc., and Serono, Inc.'s Opposition to Plaintiffs' Motion for Entry of Pretrial Order No. 1 Regarding Consolidation of Actions in <i>GEHA, et al. v. Serono Int'l, S.A., et al.</i>